



S MAIL LABEL NO.: EV 016 318 746 US

**COPY OF PAPERS
ORIGINALLY FILED**

PATENT APPLICATION
Docket No.: 15436.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Philip J. Gentile

Serial No.: 09/971,970

Filed: October 4, 2001

Confirmation No.: 4553

For: OPTICAL CHANNEL SELECTION AND EVALUATION SYSTEM

Examiner: Unassigned

RECEIVED
MAR - 7 2002
TECHNOLOGY CENTER 2800

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each nonenglish reference, if any, are also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 28 day of February, 2002.

Respectfully submitted,



R. BURNS ISRAELSEN
Attorney for Applicant
Registration No. 42,685



022913

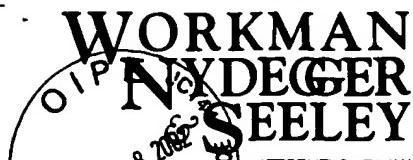
PATENT TRADEMARK OFFICE

RBI:drb

G:\DATA\wpdocs2\dh\em_rg\clnts\Finisar\Other\0227 ids_1.doc

03-04-02

2874



ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
1000 EAGLE GATE TOWER
EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 533-9800
FACSIMILE (801) 328-1707

RICK D. NYDEGGER
DAVID O. SEELEY
BRENT P. LORMER
THOMAS R. VUKSNICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUINN
CHARLES L. ROBERTS
GREGORY M. TAYLOR
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE†
DAVID B. DELLENBACH
R. BURNS ISRAELSEN
DAVID R. TODD
L. DAVID GRIFFIN

FRASER D. ROY
CARL T. REED
JESÚS JUANOS I TIMONEDA, PH.D.
R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
ADRIAN J. LEE
L. REX SEARS, PH.D.
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
WILLIAM R. RICHTER
TRENT H. BAKER
RYAN D. BENSON
SARA D. JONES
TIGE KELLER

PATENTS
TRADEMARKS
COPYRIGHTS
TRADE SECRETS
UNFAIR COMPETITION
LICENSING
COMPLEX LITIGATION

MAILING ADDRESS:
P.O. BOX 45862
SALT LAKE CITY, UT 84145

INTERNET

HOME PAGE: <http://www.wnspatent.com>
GENERAL E-MAIL: info@wnspatent.com

EXPRESS MAIL LABEL NO.: EV 016 318 746 US

PATENT APPLICATION
Docket No.: 15436.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- Form PTO-1449 list of three references submitted for consideration.
- Legible copies of the listed references or their relevant portions.
- All English translations of each nonenglish reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.

RECEIVED
MAR - 7 2002
TECHNOLOGY CENTER 2800

- Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.
- Legible Copies of previously filed Information Disclosure Statement for application Serial No. _____, filed _____.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- Promptness Certification.
- Check No. _____ in the amount of \$240.00 constituting submission fee under 37 C.F.R. 1.17(p);
- Petition for Consideration and Check No. _____ in the amount of \$_____.
- In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Promptness Certification meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 28 day of February, 2002.

Respectfully submitted,

R. Burns Israelsen

R. BURNS ISRAELSEN
Attorney for Applicant
Registration No. 42,685

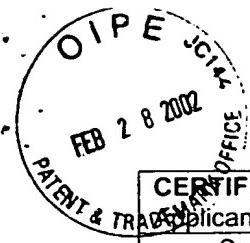


022913

PATENT TRADEMARK OFFICE

RBI:drb

G:\DATA\wpdocs2\dh\em_rg\clns\Finisar\Other\0227 ids tx_1.doc



COPY OF PAPERS
ORIGINALLY FILED

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)				Docket No. 15436.1
Applicant(s): Philip J. Gentile				
Serial No. 09/971,970	Filing Date October 4, 2001	Confirmation No. 4553	Examiner Unassigned	Group Art Unit 2874
Invention: OPTICAL CHANNEL SELECTION AND EVALUATION SYSTEM				
<p>I hereby certify that the Transmittal letter (2 pages) (in triplicate); Information Disclosure Statement (2 pgs); Form PTO-1449 Listing all Cited References (2 pgs); Legible Copies of Three Cited References; and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, DC 20231 on <u>Feb. 28th</u>, 2002.</p>				
<p style="text-align: center;">Dolly Burnett</p> <hr/> <p>(Typed or Printed Name of Person Mailing Correspondence)</p> <p style="text-align: center;"><u>Dolly Burnett</u> (Signature of Person Mailing Correspondence)</p> <hr/> <p style="text-align: center;">EV 016 318 746 US</p> <hr/> <p style="text-align: center;">("Express Mail" Mailing Label Number)</p> <hr/>				
<p>G:\DATA\wpdocs2\dh\em_rg\cnts\Finisar\Other\0227 cem_1.doc</p> <p style="text-align: right;">RECEIVED MAR - 7 2002 TECHNOLOGY CENTER 2800</p>				